

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
ING. BARZANO & ZANARDO
MILANO SPA
Attn. Lotti, Giorgio
Corso Vittorio Emanuele II, 61
I-10128 Torino
ITALY

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

<p>Applicant's or agent's file reference PCT 2407</p> <p>International application No. PCT/EP2004/007846</p> <p>Applicant RIGAT, Marco</p>		<p>Date of mailing (day/month/year) 10/11/2004</p> <p>PAYMENT DUE within 30 XX days from the above date of mailing</p> <p>International filing date (day/month/year) 15/07/2004</p>
---	--	---

1. This International Searching Authority

- (i) considers that there are 10 (number of) inventions claimed in the international application covered by the claims indicated ~~XXXX~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~XXXX~~ on the extra sheet:

- (ii) has carried out a partial international search (see Annex) will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

1-15, 20

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 9 = EUR 13.950,00
 Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Bruno Gamboa Susin
---	---

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-15,20

Controlling bending action by means of collapsible chambers

2. claims: 1,16-19

Controlling bending action by means of tongues and bending lines

3. claims: 1,21-22

Controlling bending action by means of a flexion rod connected to the collar

4. claims: 1,23-28

Controlling bending action by means of a flexion frame

5. claims: 1,29-30

Controlling bending action by means of a tuning fork

6. claims: 1,31-32,33

Controlling bending action by means of a shaped housing able to receive a cushion or flat appendices

7. claims: 1,34-36

Controlling bending action by means of springy elements

8. claims: 1,37-42

Controlling bending action by modifying the sole structure

9. claims: 1,43-49

Controlling bending action by means of bellows and stiffening elements

10. claims: 1,50

Controlling bending action by heat deformation of the boot
using piezo elements

The problem underlying the invention stated in the independent claim 1 is not novel and the same solution to it has already been found, see document WO 02/094047 (D1), which discloses, in combination, all the features as defined in the present independent claim 1. Therefore, the original single general inventive concept also covering the subject matter of the claims 2 to 50 is not acceptable anymore, making it necessary to re-establish the technical relationship or interaction of the technical features stipulated in said dependent claims. This leads to a regrouping under different subjects as listed above, each subject now having its own distinct inventive concept, having a technical distinct and independent feature.

The special technical features, as defined in Rule 13.2 PCT, of the first group of claims, which are intended to be a contribution over this prior art, i.e. the features of having collapsible chambers fillable with air, apparently solve the problem of providing a flexible articulation which is adjustable.

The special technical features, as defined in Rule 13.2 PCT, of the second group of claims, which are intended to be a contribution over said prior art, i.e. the features of having tongues is already known from D1. The special technical features, as defined in Rule 13.2 PCT, of the third group of claims, which are intended to be a contribution over said prior art, i.e. the features of having a flexion rod connected to the collar, apparently solve the problem of stiffening the bending of the ankle joint.

The special technical features, as defined in Rule 13.2 PCT, of the fourth group of claims, which are intended to be a contribution over this prior art, i.e. the features of having a flexible frame, apparently solve the problem of providing replaceable bending elements.

The special technical features, as defined in Rule 13.2 PCT, of the fifth group of claims, which are intended to be a contribution over this prior art, I.e. the features of having a vibrating element, apparently solve the problem of providing an alternative non-adjustable flexible articulation.

The special technical features, as defined in Rule 13.2 PCT, of the sixth group of claims, which are intended to be a contribution over said prior art, i.e. the features of having a shaped housing or appendices, apparently solve the problems of providing another alternative non-adjustable flexible articulation.

The special technical features, as defined in Rule 13.2 PCT, of the seventh group of claims, which are intended to be a contribution over said prior art, i.e. the features of having an elastic member, apparently solve the problem of providing a flexible articulation with a restoring force.

The special technical features, as defined in Rule 13.2 PCT, of the eighth group of claims, which are intended to be a contribution over said prior art, i.e. the features of having sole elements, apparently solve the problems of providing an adjustable flexible sole.

The special technical features, as defined in Rule 13.2 PCT, of the ninth group of claims, which are intended to be a contribution over said prior

art, i.e. the features of having bellows with stiffening elements, apparently solve the problems of providing a limited flexible articulation.

The special technical features, as defined in Rule 13.2 PCT, of the tenth group of claims, which are intended to be a contribution over said prior art, i.e. the features of having piezo elements, apparently solve the problem of deforming by heat.

No same or similar special technical features can be determined and different underlying problems are solved. Moreover, it is clear that the 10 claimed inventions can be applied independently of each other, i.e. they are not necessarily inter-related.

It appears therefore that no technical relationship between the various claimed inventions exists involving one or more of the same or corresponding special technical features, beside the common and already well known feature of providing a foot support, see document D1. The 10 groups of claims are thus not so linked as to form a single general inventive concept.

The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. Since the applicant neither restricted the claims nor paid additional fees the examination will be only carried out for the main (first) invention, which has been searched, i.e. claims 1-15,20.

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No PCT/EP2004/007846

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:

see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/094047 A (HEIERLING HANS-MARTIN ; PATENTPOOL INNOVATIONSMAN GMBH (DE); COOMER SV) 28 November 2002 (2002-11-28) page 4, line 10 – page 5, line 2; figures 1,2,9,12,38a,38b -----	1
Y	EP 1 023 849 A (SCARPA CALZATURIFICIO SPA) 2 August 2000 (2000-08-02) paragraph '0012!; figures 1,3 -----	1-6,20
Y	US 4 843 740 A (WALKHOFF KLAUS) 4 July 1989 (1989-07-04) column 5, line 28 – line 47; figure 8 -----	1-6,20

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Patent Family Annex

Information on patent family members

International Application No

PCT/EP2004/007846

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 02094047	A	28-11-2002	WO EP JP	02094047 A1 1389056 A1 2004527326 T		28-11-2002 18-02-2004 09-09-2004
EP 1023849	A	02-08-2000	IT AT CA DE EP JP NO PL US	T0990055 A1 262288 T 2297200 A1 60009178 D1 1023849 A1 2000229003 A 20000353 A 338029 A1 6247252 B1		26-07-2000 15-04-2004 26-07-2000 29-04-2004 02-08-2000 22-08-2000 27-07-2000 31-07-2000 19-06-2001
US 4843740	A	04-07-1989	CH AT DE EP US	680699 A5 56593 T 3860631 D1 0287816 A1 4864744 A		30-10-1992 15-10-1990 25-10-1990 26-10-1988 12-09-1989